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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

BWP MEDIA USA, INC.

Plaintiff,

vs.

CINEMA BLEND, LLC,

Defendants.

Docket No:

DEMAND FOR JURY TRIAL

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

BWP MEDIA, INC., by and through its undersigned counsel, states and alleges as follows:

**INTRODUCTION**

1. Plaintiff BWP MEDIA, INC. ("BWP") provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs featuring celebrities, which it licenses to online and print publications.
2. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.
3. Defendant CINEMA BLEND, LLC ("CINEMA") owns and operates a website

known as “www.cinemablend.com” an entertainment site dedicated to popular culture, movies, television and gaming.

4. Without permission or authorization from BWP, CINEMA copied, modified, and displayed BWP’s copyright protected photographs on CINEMA’s website.

5. CINEMA engaged in this misconduct knowingly and in violation of the United States copyright laws.

6. BWP has been substantially harmed as a result of CINEMA’s misconduct.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction over the federal copyright infringement claims pursuant to 28 U.S.C. § 1338(a) and 28 U.S.C. § 1331. This Court has supplemental jurisdiction over the claims arising under state law pursuant to 28 U.S.C. § 1367(a) in that the state claims are so related to the claims over which the court has original jurisdiction that they form part of the same case or controversy.

8. This Court has personal jurisdiction over CINEMA because CINEMA maintains a principal place of business in Clark County, Washington.

9. Venue is proper under 28 U.S.C. §1391(a)(2) because the Defendant does business in this Judicial District or because a substantial part of the events or omissions giving rise to the claim occurred in this Judicial District.

### **PARTIES**

10. BWP is a California corporation and maintains its principal place of business in Los Angeles County, California.

11. On information and belief, CINEMA, a Texas limited liability company with a

principal place of business in Clark County, Washington is liable and responsible to Plaintiff based on the facts herein alleged.

### **FACTUAL ALLEGATIONS**

#### **BWP's Business**

12. BWP provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs which it licenses to online and print publications.

13. BWP has invested significant time and money in building its photograph portfolio.

#### **BWP's Copyrights**

14. BWP has obtained U.S. copyright registrations covering many of its celebrity photographs, and others are the subject of pending copyright applications.

15. BWP's photographs are original, creative works in which BWP owns protectable copyright interests.

16. BWP owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover BWP's photographs.

17. BWP also has filed several copyright applications with the USCO, which are presently pending.

18. BWP applied for copyright registration for a collection of celebrity photographs, USCO Application No. 1-826086581, which included photographs of actors Freida Pinto and Christian Bale filming the upcoming feature "Knight of Cups" (the "Knight of Cups Photographs" or "Photographs.")

**CINEMA's Website**

19. On information and belief, CINEMA is the registered owner of the website located at [www.cinemablend.com](http://www.cinemablend.com) (the "Website"). On information and belief, CINEMA operates the Website and is responsible for all Website content.

20. The Website is monetized in that it contains paid advertisements. On information and belief, CINEMA profits from these activities.

21. According to [yandalo.com](http://yandalo.com), the Website averages approximately 160,949 page views per day.

**CINEMA's Misconduct**

22. Without permission or authorization from BWP, CINEMA copied, modified, and/or displayed eight (8) of BWP's photographs on the Website, in violation of BWP's copyrights.

23. Specifically, on or about June 29, 2012, the King of Cups Photographs were posted on the Website by Contributing Writer, Sean O'Connell, under the Movie News section of the Website in an article entitled "Freida Pinto Has Joined Christian Bale in Terrence Malick's Knight of Cups."

24. The Photographs were posted without license or permission, thereby infringing on the Copyrights (the "Infringement").

25. On information and belief, CINEMA was aware of facts or circumstances from which the Infringement was apparent. The Photographs were posted on its Website by a recognized Contributing Writer in a featured article. Based on this totality of circumstances, CINEMA cannot claim that it is not aware of the widespread infringing activities, including the Infringement, on the Website. Such a claim would amount to willful blindness to the

Infringement on the part of CINEMA.

26. On information and belief, CINEMA engaged in the Infringement knowingly and in violation of United States copyright laws.

27. On information and belief, CINEMA has received a financial benefit directly attributable to the Infringement. Specifically, by way of the Infringement, CINEMA increased traffic to its Website and, in turn, realized an increase in its advertising revenues and/or merchandise sales.

39. As a result of CINEMA's misconduct, BWP has been substantially harmed.

**FIRST COUNT**  
**(Copyright Infringement, 17 U.S.C. § 501 *et seq.*)**

40. BWP repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

41. The Photographs are original, creative works in which BWP owns protectable copyright interests.

56. BWP has not licensed CINEMA or any of its users to use the Photographs in any manner, nor has BWP assigned any of its exclusive rights in the Copyrights to CINEMA.

42. Without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. §106, CINEMA reproduced the Photographs.

43. On information and belief, without permission or authorization from BWP and in willful violation of BWP's rights under 17 U.S.C. §106, CINEMA displayed the Photographs on the Website.

44. CINEMA's reproduction of the Photographs and display of the Photographs on the Website constitute copyright infringement.

45. On information and belief, thousands of people have viewed the unlawful copies

of the Photographs on the Website.

47. On information and belief, CINEMA had knowledge of the copyright infringement alleged herein and had the ability to stop the reproduction and display of BWP's copyrighted material.

48. CINEMA's copyright infringement has damaged BWP in an amount to be proven at trial.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, BWP respectfully requests judgment as follows:

1. That the Court enter a judgment finding that CINEMA has infringed on BWP's Copyrights in the Photographs in violation of 17 U.S.C. § 501 et seq.;
2. That the Court award damages and monetary relief as follows:
  - a. Statutory damages against CINEMA pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or in the alternative BWP's actual damages and CINEMA's wrongful profits in an amount to be proven at trial;
  - b. BWP's attorneys' fees pursuant to 17 U.S.C. § 505;
  - c. BWP's costs; and
3. Such other relief that the Court determines is just and proper.

DATED: March 7, 2013

**Sanders Law, PLLC**



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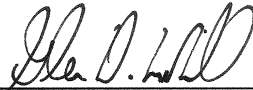
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**REQUEST FOR JURY TRIAL**

Plaintiff hereby demands a trial of this action by jury.

DATED: March 7, 2013

**Sanders Law, PLLC**

A handwritten signature in black ink, appearing to read "Glenn D. Miller", is written over a horizontal line.

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